



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 7180-99

14 April 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 30 May 1975 at age 18. The record shows that you received nonjudicial punishment on five occasions. Your offenses were two instances of theft, three periods of unauthorized absence totaling about nine days, two absences from your appointed place of duty and disobedience.

The documentation to support discharge processing is not filed in your service record. However, the record shows that on 5 October 1977 you received a general discharge by reason of misconduct due to your frequent involvement with a discreditable nature with military authorities.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and your contention that you have a service connected back injury. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your extensive record of misconduct. Concerning the contentions that you injured your back while in the Navy, the Board noted that you are eligible for veterans' benefits with a

general discharge. Therefore, you should submit a claim for disability benefits to the Department of Veterans Affairs. The Board concluded that you were fortunate to have been issued a general discharge and that a change in the discharge is not warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director